

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q76912

Gad INON

Appln. No.: 10/765,870

Group Art Unit: 2614

Confirmation No.: 2642

Examiner: Gerald GAUTHIER

Filed: January 29, 2004

For: A METHOD FOR INITIATING A SESSION IN A STORE AND FORWARD
MESSAGING SYSTEM

RESPONSE UNDER 37 C.F.R. § 1.111

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated June 27, 2007, please consider the remarks as submitted herewith on the accompanying pages.

REMARKS

Claims 1-22 are all the claims pending in the application.

I. Claim Rejections – 35 U.S.C. §103(a)

The Examiner rejected claims 1-22 under 35 U.S.C. §103(a) as being unpatentable over Malik (US 2003/0065768 A1) in view of Sagi et al. (US 6,865,384 B2) (hereinafter “Malik” and “Sagi,” respectively). The rejection is respectfully traversed.

Claim 1

With regard to claim 1, the Applicant submits that Malik in combination with Sagi fails to disclose the elements of claim 1. Specifically, neither Malik nor Sagi disclose “receiving a

session connection request from a *guest* of the store and forward messaging system,” as Malik and Sagi both disclose only subscriber-oriented systems. In contrast, the aspect of the invention covered in claim 1 discloses how the capability information of a *guest* device is compared with the capability information of a *subscriber* device. In this aspect, as discussed in paragraph [11] of the specification, matching capability information can be used, if available, to eliminate the need to transcode data when the message is retrieved by the subscriber. Neither Malik nor Sagi, taken alone or in combination, disclose receiving a session connection request from a guest or determining the capability information of a device used by the guest, as is set forth in claim 1.

The Applicant further submits that Malik fails to disclose the act of “determining capability information of a device.” Malik is directed to listing the “contextual information,” or superficial characteristics of a device, whereas the claimed invention discloses the capabilities of a device, such as its ability to process certain types of data. Specifically, in paragraphs 0082-0085, Malik gives examples of the “data” or “contextual information” as information on whether the call is from a wireless device, the brand of the device, the time sensitivity of the call, and the operating protocol. In contrast, the claimed invention lists technical capabilities, such as the type of video or audio codecs accepted by the device. The “capability information” of the claimed invention is listed so a determination can be made as to the compatibility of a message to be left with a subscriber. Malik, however, only lists basic information about the device with the idea of advertising the brand or service type of the device (i.e. Motorola, Cingular) to the subscriber receiving the information (see Malik, paragraph 0024, 0071, 0087). Malik therefore does not disclose the method of determining the capability information of a device, as in the claimed invention.